

TRANSIENT MERCHANT BOND

That we _____, of _____ as Principal and _____, a corporation duly licensed to do business in the State of North Dakota, as Surety are held and firmly bound unto the People of the State of North Dakota, in the penal sum of _____ (\$_____) for the payment of which we bind ourselves and our legal representatives, jointly and severally, by these presents.

The condition of the above obligation is such that the Principal has applied or intends to apply for a license as a Transient Merchant under the provisions of Chapter 51-04 of the North Dakota Century Code.

NOW, THEREFORE, if the said Principal, his agents and employees shall faithfully and honestly conduct the business of said applicant under said law, and all rules and regulations promulgated in pursuance thereof, and the Principal complying with all material oral or written statements and representations made by the applicant, his agents, representatives, or auctioneers with reference to merchandise sold, or offered for sale and on faithful performance under all warranties made with reference thereto, then this obligation will be void, otherwise, the obligation will remain in full force and effect.

Any person injured by the breach of conditions of such bond may bring an action on the said bond in the name of the State of North Dakota for the use of such person so injured to recover legal damages suffered by reason of such breach; provided that the aggregate liability of the Surety for all such damages shall, in no event, exceed the sum of said bond.

This bond is a continuing obligation and shall cover the full period or periods of licensing of the Principal including the present and all renewal licensings which said Principal may be granted; provided, that it is hereby expressly agreed that nothing contained herein shall be deemed or construed to reduce the liability of the Principal and Surety below the penal sum set forth above for each and every licensing period for which the named Principal shall be licensed, the same as if a new bond in the said penal sum were entered into for each and every separate period.

This bond shall not be revocable nor terminate prior to passage of two years' time after the expiration of the license issued pursuant thereto nor until due notice that the terms of the bond are to be canceled has been given to the Attorney General. Written notice of such cancellation is to be sent by registered mail to the Attorney General and to the Principal, and all liability hereunder shall terminate thirty (30) days after receipt by the Attorney General of such notice, except that the liability of the Principal and Surety shall apply as provided to any acts or omissions which may have occurred prior to the effective date of such cancellation.

Signed and sealed this _____ day of _____, 200____.

Principal

BY: _____
Name and Title

Surety

BY: _____
Name and Title

North Dakota Resident Agent

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Attorney-in-Fact must attach a valid Power of Attorney from Surety.

If Principal is a corporation, officer signing must attach resolution authorizing execution. (SAMPLE RESOLUTION ATTACHED.)

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APPROVAL

Approved as to form this _____ day of _____, 200____.

Wayne Stenehjem
Attorney General

By: _____
Assistant Attorney General

FORM A

STATE OF _____)
) ss
COUNTY OF _____)

On this _____ day of _____, 200____,
before me, the undersigned a notary public for said county and
state,

IF BY INDIVIDUAL
USE THIS FORM

personally appeared _____, known
to me to be the person who is described in and who executed
the within instrument as obligor, and he acknowledged to me
that he executed same.

- or -

IF BY
CO-PARTNERSHIP
USE THIS FORM

personally appeared _____, known
to me to be one of the members of the co-partnership of
_____ and
the person who is described in and who executed the within
instrument for and in behalf of said co-partnership as obligor,
and he acknowledged to me that he executed the same for
said co-partnership.

- or -

IF BY
CORPORATION
USE THIS FORM

personally appeared _____, known
to me to be the _____ of
the corporation that is described in and that executed the
within instrument as obligor, and he acknowledged to me that
such corporation executed the same.

Notary Public

My commission expires: _____

FORM B

STATE OF _____)
) ss
COUNTY OF _____)

On this _____ day of _____, 200____, before me,
the undersigned, a notary public in and for said county and
state, personally appeared _____
and _____
known to me to be the _____
and _____ respectively,
of the corporation that is described in and that executed the
within instrument as surety, and they acknowledge to me that
such corporation executed the same;

-or-

personally appeared _____
known to me to be the person who is described in and whose
name is subscribed to the within instrument as the attorney in
fact of _____
and he acknowledged to me that he subscribed the name of

thereto as surety, and his own name as attorney in fact.

(SEAL)

Notary Public

My commission expires:_____

RESOLUTION

RESOLVED, that _____, the
_____ of the
corporation is hereby authorized and directed to deliver to the
State of North Dakota for and on behalf of the corporation a
Transient Merchant Bond in the amount of \$_____.

I, _____, secretary of _____, a corporation
incorporated under the laws of the state of _____, hereby certify
that the foregoing is a full, true and correct copy of a resolution of the board of directors of
the corporation duly and regularly adopted by the corporation as required by law and the
bylaws of the corporation.

IN WITNESS WHEREOF, I have set my hand as such secretary , and affixed the seal of
the corporation (if any), on _____, 200____.

Secretary